

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 529 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

JYOTSANABEN JANAKKUMAR MEHTA D/O VYAS CHANDRAKANTBHAI

Versus

MEHTA JANAKKUMAR BAPULAL

Appearance:

1. Misc.Civil Application No. 529 of 2004
MR SA DESAI for Petitioner No. 1
MR PK JANI for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 01/07/2004

ORAL JUDGEMENT

1. Learned Advocate Mr.S.A.Desai for the petitioner
and learned Advocate Mr.Unwala for learned Advocate

Mr.P.K.Jani for the respondent were heard at length.

2. This application is filed under Section 24 of the Code of Civil Procedure by petitioner for transferring the Hindu Marriage Petition No. 23 of 2002 pending in the Court of Civil Judge (SD), Patan to the Civil Judge (SD), Gandhinagar, in the interest of justice.

3. During the hearing, it is surfaced that the petitioner and respondent are wife and husband. The present respondent - husband filed the said Hindu Marriage Petition in the Court of Civil Judge (SD), Patan for divorce against the present petitioner. In the said application, the present petitioner - wife also moved an application claiming alimony. It also appears from the record and submission that the petitioner wife is residing at Gandhinagar along with her two children. When the court made query about age of the children, learned Advocate for the petitioner stated that both the children are with the petitioner and below the age of 10 years. It also appears from the record that it would be extremely difficult for the petitioner wife to attend the proceedings of Hindu Marriage Petition No.23 of 2002 at Patan because she will have to travel from Gandhinagar to Patan leaving her two children unattended. The petitioner being lady, undoubtedly, would find it difficult to travel all alone from Gandhinagar to Patan for attending the said Hindu Marriage Petition and she would require some escort which would result in doubling the expenses.

4. In the above view of the matter, in the interest of justice, it would be just and proper to transfer the said Hindu Marriage Petition No.23 of 2002 from the Court of Civil Judge (SD) Patan to Civil Judge (SD), Gandhinagar because the transferring of the matter will cause less inconvenience to husband while refusing transfer will cause greater inconvenience to the petitioner - wife.

5. In the above view of the matter, this Application is allowed and it is directed that the Hindu Marriage Petition No.23 of 2002 pending in the Court of Civil Judge (SD), Patan be transferred to Civil Judge (SD), Gandhinagar and necessary further steps for remitting the Record and Proceedings of the above said Hindu Marriage Petition be taken immediately by all concerned. Rule is made absolute to the above extent. No order as to costs.

(J.R. Vora, J.)

p.n.nair